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WENNER v. GEORGE et al.

March 17, 1921.

[106 S. E. 365]

1. Wills (§ 656*)—Whether a Condition Is Subsequent or Precedent Is Not Determinable by Technical Words Used.—There are no technical words to distinguish between conditions precedent and conditions subsequent; the distinction being a matter of construction.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 842.]

2. Wills (§ 823*)—Devisee Accepting Life Estate Held Personally Liable to Pay Charge Imposed.—Where testator devised lands to his son for life with remainders over on condition that the son should pay his sister the sum of \$4,000 within 10 years, interest to commence five years from the probate of the will, which further declared that any legatee who signified his intention not to abide by its provisions should forfeit any benefits, the son who accepted the life estate becomes personally liable for payment of the charge.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 838, 839.]

3. Wills (§ 821 (6)*)—Life Estate Held Subject to Lien to Secure Payment of Charge, but Remainder Not.—Where testator devised land to his son for life, provided the son should pay to his sister a fixed sum of money, and the will further provided that any beneficiary not accepting the conditions should forfeit all interest under the will, the son who accepted the life estate became not only personally bound to pay the charge, but the life estate itself was subject to the lien of the charge, though the remainders over were not.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 842.]

Appeal from Circuit Court, Loudoun County.

Bill by Leah Elizabeth Wenner against Ashland C. George and others. From the decree complainant appeals, and the named defendant appeals. Amended and affirmed.

Wm. H. Martin, of Leesburg, for appellant.

E. E. Garrett, of Leesburg, and *M. J. Fulton*, of Richmond, for appellee.

COMMONWEALTH v. KERNOCHAN.

March 17, 1921.

[106 S. E. 367.]

1. Taxation (§ 93 (1)*)—Intangible Property of Nonresident Insane Person May Not Be Taxed.—The commonwealth cannot recover al-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.